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PATENT
Attorney Docket No. 101.0053-01000
Customer No. 22882

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)
Gary K. Michelson, M.D.)
Serial No.: 10/047,545) (Group Art Unit: 3764)
Filed: January 16, 2002) (Examiner: M. Brown)
For: THREADED FRUSTO-CONICAL)
INTERBODY SPINAL FUSION)
IMPLANTS)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the following documents are enclosed:

1. Abstract Only of European Patent No. 0 162 005
2. Abstract Only of European Patent No. 0 179 695
3. Abstract Only of French Patent No. 2 581 336
4. Abstract Only of French Patent No. 2 703 580
5. Abstract Only of German Patent No. 31 01 333 A1
6. Abstract Only of German Patent No. 31 32 520 A1
7. Abstract Only of German Patent No. 35 05 567 A1

8. Abstract Only of German Patent No. 36 08 163 A1
9. Abstract Only of German Patent No. 43 02 397 A1
10. Great Britain Patent No. 1 291 470, dated October 4, 1972
11. Great Britain Patent No. 1 492 990, dated November 23, 1977
12. Great Britain Patent No. 1 531 487, dated November 8, 1978
13. Translation of Japanese Patent No. 60-31706
14. Translation of Japanese Patent No. 60-43984
15. Translation of Japanese Patent No. 62-155846
16. Translation of Soviet Union Patent No. 1107854
17. Abstract Only of Soviet Union Patent No. 1124960
18. Abstract Only of Soviet Union Patent No. 1217374
19. Abstract Only of Soviet Union Patent No. 1222254
20. English Language Search Report and partial translation for Swedish Patent No. 106 101

Copies of the remaining listed documents were previously submitted in a prior application, Serial No. 08/480,908, filed June 7, 1995, upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 8, 2002

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Substitute for FORM PTO-1449	Attorney Docket Number 101.0053-01000	Customer No. 22882	
INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION	Applicant Gary K. Michelson, M.D.	Application Number 10/047,545	
(Use several sheets if necessary) Sheet <u>1</u> of <u>10</u>	Filing Date January 16, 2002	Group Art Unit (3764)	Examiner (M. Brown)

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Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
/M.B./	Re. 31,865	04/16/85	Roux			
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<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>			
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